IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 10108 of 2007(S)

PETITIONER:

RAMACHANDRAN, AGED 65,
S/O.NARAYANA PILLAI, KRISHNA NIVAS,
KOIPPURAM, THIRUVALLA TALUK, PATHANAMTHITTA DIST.

BY ADV. SRI.V.VENUGOPALAN NAIR
SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENTS:
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1. STATE OF KERALA,
REP.BY THE SECRETARY, DEPARTMENT OF REVENUE,
SECRETEARIAT, THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR,
PATHANAMTHITTA.

BY SR.GOVERNMENT PLEADER SMT.MEERA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.P.(C) No.10108 of 2007

Dated, this the 23rd day of May, 2007

JUDGMENT

H.L.Dattu, C.J.

A public spirited citizen has approached this Court, inter alia, seeking a direction to the respondents to assign or hand over certain duties to the local bodies as contemplated under the provisions of the River Banks Protection Act, 2001.

2. The grievance pleaded by the petitioner in this writ petition is that the District Collector, Pathanamthitta and his subordinate Tahsildars have deputed staff of village offices for issuing passes for transportation of sand. According to the petitioner, this requires to be done by the local bodies under the River Banks Protection Act.

3. The learned counsel appearing for the petitioner would submit that since the respondents have violated certain provisions of the River Banks Protection Act, this Court should entertain this writ petition as a public interest litigation and pass appropriate orders.

4. In our opinion, the submission made by the learned

counsel for the petitioner has no merit whatsoever. If, for any reason, any person in the village is aggrieved by the action of the District Collector, they would certainly come before this Court by way of a petition filed under Article 226 of the Constitution. In our opinion, the petitioner before us does not have any locus standi to present this writ petition. The law on the point is well settled by the apex Court by a number of decisions, reiteration of the same may not be necessary for the purpose of disposal of this writ petition.

Therefore, the following: The writ petition is rejected since, in our opinion, the petitioner has no locus standi to present the writ petition. However, liberty is reserved to the villagers of Pathanamthitta to approach this Court, if they are aggrieved by any action of the District Collector, Pathanamthitta. Ordered accordingly.

H.L.DATTU, CHIEF JUSTICE

K.T.SANKARAN, JUDGE

vns